

President Reichart convened the public hearing of Hanover Borough Council on Thursday, January 28, 2021 at 6:30 PM in the Hanover Borough Council Chamber, 44 Frederick Street, Hanover, PA, as advertised. The meeting was conducted in person and via Zoom Webinar with video presentation.

On roll call the following answered as present: Mr. Chesney, Mrs. Funk (6:45 PM), Mr. Hegberg (6:45 PM), Mr. Hoover (*virtually*), Mr. Kress, Mr. Lockard, Ms. Pranses (*virtually*), Mr. Reichart, Mr. Roland and Dr. Rupp; Solicitor Shultis; Manager Dunford and Secretary Felix. Mayor Whitman was absent this evening due to family matters. Secretary Felix confirmed a quorum was present this evening.

President Reichart stated that tonight is the time set for Borough Council to hold a public hearing to consider Ordinance No. 2308, a proposed amendment to the Borough of Hanover Zoning Ordinance and to receive public comment relating to the proposed Zoning Amendment. This proposed Ordinance, if ultimately enacted, will add a new type of use – Dwelling Unit, Senior Housing – as a permitted use in the LM Limited Manufacturing Zoning District. The proposed zoning amendment also provides regulations applicable to this new type of use with regard to lot area, lot width, coverage regulations, yard regulations and parking and loading spaces.

Please note that at the conclusion of tonight's hearing, the Borough Council will take no action with respect to the proposed ordinance amendment. Any action will be taken at subsequent Borough Council meetings.

Mr. Reichart then turned the meeting over to Solicitor Shultis to moderate the public hearing.

Solicitor Shultis made the following statement:

"Good evening and thank you President Reichart.

I am Tim Shultis, the Solicitor to the Hanover Borough, and I will be facilitating the zoom hearing this evening. In addition to the Council members and staff participation, we will provide an opportunity for written and verbal public comment during the hearing in accordance with the remainder of the agenda which is as follows:

- Presentation by WODA Cooper*
- Individual Council Questions*
- Public Comment Period*
- Discussion by Council, if any*
- Hearing Conclusion/Adjournment*

We request that the participants – other than Council members – mute themselves to reduce background noise. At the appropriate time in the hearing, if a member of the public desires to offer public comment during the public comment period and they are participating via computer they can request to do so by virtually raising their hands using the controls in the zoom window under participants. The virtual hand can also be lowered using the same buttons. But, we ask you not to raise your hands until the floor is open to public comment.

I will, however, call on each participant individually to assure that anyone who wishes to provide public comment has the opportunity to do so.

Prior to addressing Council, please remember to unmute yourselves using controls in the zoom window and please remember to mute yourselves at the conclusion of your comments.

If you are participating via telephone you are able to unmute yourself by pressing star 6 on the phone keypad. Once you have concluded your comment you can again press star 6 to mute yourself.

The host may assist with muting and unmuting participants In order to facilitate orderly participation.

At this time, in order to assure that we have 2-way communication, I am going to ask each participant to identify themselves. I will call on each person individually by the designation listed on the Zoom Participant list – please note this may be your phone number. This may take a few minutes and I thank you in advance for your patience."

The following persons were addressed, and stated whether or not they intend to comment:

- Arthur Becker, Esquire, would like to address Council during the public comment session, represents residents of the Borough who oppose the issue
- Kenneth & Tanya Kuhn, would like to address Council during the public comment session
- Gerry and Brenda Funke, representing WODA Cooper
- Bryan McDaniel, would like to address Council during the public comment session
- Laura Silver, would like to address Council during the public comment session
- Fire Chief Clouser, present only to listen to the hearing
- Janet Hack, will be present only to listen to the hearing
- George Hubbard, may or may not have comment
- Andrew Cohen, Woda Cooper Company
- Chelsea Arlantino, Woda Cooper Company
- Bill Gladstone, will be present only to listen to the hearing
- James Pianca, will be present only to listen to the hearing
- Eric Mains, Director of Planning Engineering, Hanover Borough, present if needed for comment
- Karen, unable to connect to audio
- Borough Manager Nan Dunford, present if needed for comment
- Mayor SueAnn Whitman, may or may not have comment
- Bill's Ipad, unable to connect to audio
- Nancy & Craig Klimon, may or may not have comment
- David Reese, may or may not have comment
- Karen Roland, unable to connect to audio
- Darla Zohrbaugh, unable to connect to audio
- Donna Smith, would like to address Council during the public comment session, also submitted written comment
- Merle's Ipad, unable to connect to audio
- Sharon Boyer, will be present only to listen to the hearing
- Joel Peterman, may or may not have comment
- Dave Myers, student working on communication project...
- Peg Sennett, may or may not have comment, submitted question in writing
- Betty, will be present only to listen to the hearing
- Office, unable to connect to audio
- NF, unable to connect to audio
- Merle, unable to connect to audio
- Prudy Keffer, may or may not have comment, stated Merle is listening...

- Timler, unable to connect to audio
- Bob Henneman, will be present only to listen to the hearing
- Bruce Stambaugh, would like to address Council during the public comment session
- Iphone, unable to connect to audio
- Phyllis C, unable to connect to audio
- Joan Whitman, will be present only to listen to the hearing
- Harvey Thiemann, may or may not comment
- Ken Wenger & Phyllis McCardy, sent email, may or may not comment
- Merle Feder, 173 Primrose Lane, Hanover, PA, may or may not comment, submitted list of questions
- Bill Krug, will be present only to listen to the hearing

Solicitor Shultis asked if there was anyone else who was not identified or if anyone was in the virtual waiting room. Mr. Shultis identified the following:

- Clyde Peters, was identified, but was unavailable and left the meeting.

Solicitor Shultis reviewed the following rules of decorum for tonight's public hearing:

1. Public comments should be directed to Borough Council. But public comment time is an opportunity for the public to provide their comments to Council, not a time which the Council or staff is required to engage in a dialog with commentators, though they may. In the event that Council desires to respond in some manner to the comments offered, the Chair may designate who will provide a response or recognize the persons to offer a response as may be appropriate.
2. The public and the members of Council are at all times to demonstrate mutual respect and decorum. Members of the public are asked not to speak out audibly outside the public comment period or to engage one another in argument.
3. If anyone has an issue at any time during the hearing either being able to hear or participate in the hearing, please send a chat message to our Zoom host so that we can address any technological issues.
4. Comments, displays or texts that are unrelated to the business that is before Council are not permitted.
5. All participants are welcome to offer comments, but we ask members of the public to be considerate of the desire of other members of the public to provide comment and the natural limitations of time and attention. In that regard, we ask that you be organized and to the point in your public comments. While we request that you be as brief as possible, we want to assure all who are participating in this hearing that Council will listen to and consider the comments which are being made. As in many things, quality is better than quantity.
6. Finally, please understand that a transcript is being made of the entire hearing by a court reporter. Every word that is spoken will be taken down verbatim. So that the court reporter can perform her job, we ask two things: 1.) That you announce your name and address prior to providing public comment; and 2.) That only one person speaks at one time. He noted that a number of written public comments were received prior to the hearing.

Solicitor Shultis identified the exhibits to the hearing:

- Exhibit A – Proposed Ordinance No. 2308
- Exhibit B – Proof of Publication
- Exhibit C – Cover Letter to Hanover Evening Sun
- Exhibit D – Screen shot of the Borough's main web page

- *Exhibit E – Cover letter sent to the York County Planning Commission*
- *Exhibit F – Response from the York County Planning Commission*
- *Exhibit G – Cover letter to Borough of Hanover Planning Commission*
- *Exhibit H – Response from Borough of Hanover Planning Commission*
- *Exhibit I – Written Public Comment received by the Borough with an index of written public comment, 32 public comments received, 2 of which contain petitions entitled “Citizen Petitions in Opposition to Ordinance No. 2308.”*

Solicitor Shultis noted comments were received from the following citizens prior to this meeting (some provided several): Donna Smith, Merle Feder, James Matthews, John Hollinger, Arthur Becker, Jr., Brenda Ditzler, GHI Engineers & Surveyors, Laura Silver, York County Board of Commissioners, Peg Sennett, Deborah Mooradian, Kenneth Wenger, Ruth Schnetzka, Jim Eisenberg, Ron Klunk, Barb O'Hara, Vickie Geiger, Ken & Tania Kuhn, WODA Cooper, and Heidi Hormel. The Public Comments are contained in Exhibit I.

Solicitor Shultis turned the meeting back over to President Reichart.

Presentation by WODA Cooper

President Reichart invited those present on behalf WODA Cooper to speak.

Mr. Andrew Cohn, Senior Vice President of Development for WODA Cooper Companies began the presentation.

Presenting will be Chelsea Arlantino, Vice President and Corporate Counsel for WODA Cooper Companies and Gerry Funke, GHI Engineers.

Mr. Funke stated the lot in question has been available since the 1980's and there was only one purchase offer during that time. The proposed use makes a reasonable transition from short term rental, to long term rental to residential use. There is at least 400 feet of separation between the properties to the east and to the south, as well as a grove of trees as high as 50 feet which separates the lot from neighboring properties. There will be no burden on the school district, since the planned development is age 62 or older. There are more stringent stormwater regulations in place at this time than there was when the Foxwood and Foxleigh neighborhoods were developed. This lot is downstream from the neighboring residential properties, so flooding will not flow toward the neighboring properties, but in the opposite direction toward the property in question. There will be no problem with access for fire equipment, as there are 2 hydrants across the street from this property.

Ms. Arlantino summarized the proposed text amendment to the current zoning ordinance. It adds a definition for senior housing, which is consistent with the current definition for multi-family use, it is just an age restriction that is being added. It adds senior housing as a permitted use in the LM district. Currently the lot area regulations in the LM District are no less than 40,000 SF, but in the proposal for senior housing it is actually more restrictive by meeting the 40,000 SF like the ordinance currently requires, plus an additional 2,000 SF for each additional dwelling unit. Lot width and lot coverage will stay the same. As far as setbacks there will be a slight change in the front and rear yard regulations. Lot width and length would vary slightly from the current requirements. One parking space is required per dwelling unit.

A video presentation was provided from WODA Cooper, which summarized the quality of the company's finished senior housing projects, and an overview of the concept of similar senior housing projects in general.

Mr. Cohen thanked Hanover Borough Council for allowing them to present this evening.

Individual Council Questions

When asked individually by President Reichart, the following Council members had no questions for WODA Cooper: Mr. Chesney, Mrs. Funk, Mr. Hoover, Mr. Kress, Mr. Lockard, Ms. Pranses, Mr. Reichart, Mr. Roland, Dr. Rupp; Mr. Hegberg asked why this project could not wait until after the proposed new zoning ordinance was adopted. Ms. Arlantino responded that the intention was that the amendment would carry over into the new zoning ordinance.

President Reichart thanked WODA Cooper for their presentation, and turned the meeting over to Solicitor Shultis for the Public Comment Period.

Public Comment

Mr. Shultis called upon each individual for public comment:

Arthur Becker, Esquire, 529 Carlisle St, Hanover, PA – Attorney Becker stated he represents residents who oppose ordinance #2308. Council has received signed petitions from 200+ residents who opposed the proposal for low income senior housing, which he compared to the former McAllister Hotel. He contended that senior housing was not compatible with the residential district, not a pedestrian friendly area and that this use should be sought in the R-3 or O-A districts where it is a permitted use. The allowance for senior housing in the LM district will leave the entire Borough open to senior housing uses for any property in the LM district. The setbacks will also be significantly reduced. Flooding is already a problem in this area, and will only be increased by more development. Neighboring property values would be reduced.

Mr. Shultis asked if Mr. Becker would like to have the videos and photos displayed which he submitted. Mr. Becker stated he would like Council to view the videos and pictures of the terrible flooding and drainage problems in the area, but it is not necessary to view them tonight.

Kenneth Kuhn, 370 Wilson Avenue, Hanover, PA – Mr. Kuhn stated although he liked the video from WODA Cooper, the Better Business Bureau had a very low rating for WODA Cooper online, noting multiple complaints in 2020 with poor property management. He is concerned about parking with only one space per resident, snow removal issues, and no pedestrian accommodations in the area. He encouraged Council to head the negative comments against this project, and deny the request for the ordinance amendment.

Bryan McDaniel, 400 Huntsman Court, Hanover, PA – Mr. McDaniel agrees with Mr. Kuhn, and Mr. Becker and asked where the use fits in the neighborhood, if the proposed height meets the zoning regulations, and if there is tax liability in the Borough. He does not see how the use benefits the Borough.

George Hubbard, 401 Chapelwood Drive, Hanover, PA – No comments or questions.

Nancy & Craig Klimon, 400 Hedgerow Court, Hanover, PA - Ms. Klimon asked how many people know about this proposal, cited potential drainage issues and parking on the street would pose additional problems.

David Reese, 330 Fox Knoll Court, Hanover, PA – Thanked Mr. Becker and Mr. Kuhn for presentations. Mr. Reese is totally opposed to this ordinance. He stated it is hard to believe that 62 year old couples will only have one car, and that there is a potential for traffic problems and a negative impact on the school system. Mr. Reese thanked Council for hearing his concerns.

Donna Smith, 326 Fox Knoll Court, Hanover, PA – Ms. Smith agrees with previous comments, thanked Mr. Becker, she is concerned about taxes and opposes the text amendment.

Joel Peterman, 189 Primrose Lane, Hanover, PA - Mr. Peterman thanked Mr. Becker and Mr. Kuhn, and all who commented so far. He was concerned about homeless people, parking on the street and flooding.

Peg Sennett, 167 Primrose Lane, Hanover, PA – Concerned about height regulations, and if the proposal meets them.

Prudy Keffer, 439 Deerfield Drive, Hanover, PA – Ms. Keffer noted there is not enough parking, agrees with comments so far, and stated she is totally against the proposal.

Bruce Stambaugh, 391 Wilson Avenue, Hanover, PA – Mr. Stambaugh asked why this issue was not addressed in a Zoning Hearing Board meeting, questioned the process for this proposal.

Ken Wenger & Phyllis McCardy, 1026 Stonecroft Drive, Hanover, PA – Concerned that proper procedures are not being followed for this proposal, he feels it should have been addressed by the Zoning Board, and people should have been notified.

Laura Silver, 414 Dart Drive, Hanover, PA - Agreed with all comments so far and thanked Mr. Becker. Ms. Silver feels this is not the right spot for this use.

Bob Henneman, 311 Foxleigh Drive, Hanover, PA – Mr. Henneman feels the Zoning Board was bypassed and surprised that neighbors were not notified. There is already too much flooding in the area.

Merle Feder, 173 Primrose Lane, Hanover, PA – Ms. Feder would like to have her letter read to the audience. Senior housing should be placed in a pedestrian friendly area with sidewalks. The distance to shops and restaurants is too long for senior pedestrians.

Mr. Shultis read the letter from Ms. Feder of January 28, 2021:

"As a long term resident and taxpayer, I strongly oppose this ordinance. Please consider the following: Do we really need to add more traffic, possibly 92 vehicles to an area that is already overly congested? Eisenhower Drive and its intersections, the gridlock at Broadway is horrendous. Is this area really a good place for senior housing? It is not pedestrian friendly at all, the distance to shops and restaurants is too long for most people, not just seniors. How do you safely cross Wilson or the Eisenhower speedway, there are no uninterrupted sidewalks on either side of Eisenhower, there are areas where there are no sidewalks at all. Existing sidewalks twist and turn, go up and down, they are potentially dangerous. There are many ingress and egress roads leading to businesses where you could be easily hit by a vehicle while trying to enter or exit the shopping areas in rapidly moving traffic, by drivers not looking for slow moving pedestrians. The turn from Eisenhower south onto Wilson already is not safe. You no sooner turn onto Wilson than you have to stop because the car in front of you is turning left into Rite Aid, or right onto the one access for Denny's, the Hampton Inn or several other businesses. One parking place per unit as proposed by WODA Cooper? Is it not uncommon for a couple to own 2 vehicles - where do friends and family park when they come to visit, and more importantly where do medical aids, VNA, visiting angels, etc. park when residents require their services? Whether one time or on a long term basis all of us may have a need for this type of assistance. The need increases with age. What is the impact on water and sewer infrastructure? Hanover residents are right now being asked to limit their water usage. How is the addition of 46 more residents going to make the situation better? If we are in a drought situation is it wise to add more residential development? What are the environmental impacts of the project? Asphalt parking lots are heat sinks. The area is heavily paved as it is. What are the impacts of our police & EMT services? Do not forget the impact on our drainage problems. Most importantly what is the long term tax impact of the project? We are already paying high real estate taxes. Now we also have a stormwater management fee. The situation is getting worse and not better. The debt load of the Borough is steadily increasing. Please vote no to this ordinance. Sincerely, Merle Feder."

Mr. Shultis asked Ms. Feder if there was anything else she would like to add, and she stated there was not. Mr. Shultis asked for any other comments.

Andy Cohen, WODA Cooper – Mr. Cohen asked that Council have a special meeting before February 17th to vote on the advertisement of the next public notice.

Arthur Becker, Jr., Esquire – Mr. Becker requested that Council dismiss the request and send to the Zoning Hearing Board, due to inappropriate procedure.

Mr. Shultis thanked Mr. Cohen and Mr. Becker for their comments.

Mr. Reichart asked for additional comments from Council.

Mr. Hoover stated the meeting was publicly advertised and posted on the website so there is no excuse for ignorance of this request before Council this evening.

Ms. Pranses had no comment.

Mr. Roland thanked the presenters this evening.

Mr. Chesney stated he was glad to see the participation and concern of over 200 citizens represented.

Mr. Hegberg and Mr. Kress and Dr. Rupp had no comment.

Mrs. Funk apologized that the Borough did not send out letters to residents. She thanked the citizens who commented tonight.

Mr. Lockard had no comment.

Mr. Reichart asked the Solicitor if an executive session could be held. Mr. Shultis stated it would be allowable to have an executive session. After discussion among Council members, it was agreed an executive session would not be held this evening.

Mr. Reichart asked Solicitor Shultis to clarify the need for the matter to go before the Zoning Hearing Board, and if proper procedure was being followed. Mr. Shultis explained that the request was correctly handled, and it is before Borough Council to amend the current ordinance. The matter was heard by the Hanover Borough Planning Commission and the York County Planning Commission first. Hanover Borough Council then considered the amendment this evening at a public hearing. Proper procedure has been followed according to the Municipalities Planning Code.

Regarding failure to notify, Mr. Reichart asked Mr. Shultis to comment. Mr. Shultis stated the Borough has advertised the ordinance in the newspaper and on the Borough's website, and posted all of the information received from WODA Cooper on the website for public access. Mr. Shultis stated that this is valid procedure.

Solicitor Shultis explained that the role of the Zoning Board is to enforce the existing ordinance, i.e., special exceptions and variances that are provided for within the existing ordinance.

Mr. Reichart confirmed that Council has no intention on voting on the matter this evening, and will take under advisement the request that was made for an additional meeting before February 17th, but will not affirm whether the meeting will or will not take place at this time.

ADJOURNMENT

President Reichart thanked all for their comments, concerns and attendance this evening.

It was moved by Mr. Roland, seconded by Dr. Rupp to adjourn the public hearing at 8:13 PM. Motion carried.

Respectfully submitted,



Dorothy C. Felix
Borough Secretary